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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply dated 13 January 1998 received from
the Government of the Lebanese Republic

GE.98-14380 (E)

Lebanese Republic

Ministry of Labour

Ministry of Foreign Affairs

Directorate of International Organizations,
Conferences and Cultural Relations

Letter No. 104/3
13 January 1998

Subject: Response to the questionnaire on migrant workers from the United Nations High Commissioner for Human Rights

Ref.: No. 3916/8 of 23 January 1997

Further to the letter from the Secretary-General of the United Nations transmitting the questionnaire on the human rights of migrant workers from the United Nations High Commissioner for Human Rights, we have the honour to transmit herewith information on the responsibilities and activities of the Ministry of Labour and statistics relating to paragraph 1 of the questionnaire.

1. Total population and distribution by nationality of non-nationals

A study made by the Ministry of Social Affairs of the results of a population and housing survey (1995-1996) carried out in conjunction with the United Nations Population Fund and covering a sample of 65,000 households has shown that the population of Lebanon comprises approximately 2,979,708 people, including 132,120 resident non-nationals of various origins (Annex 1 contains statistics for the population in general and for resident non-nationals by nationality of origin. The count of non-nationals does not include Palestinians registered with UNRWA).

According to an UNRWA study, the number of Palestinians registered with that organization in Lebanon stood, at the end of November 1997, at 360,579. UNRWA observes in that study that during the war in Lebanon some of these Palestinians left the country for western Europe, the United States or Australia while remaining on UNRWA's books as refugees.

The above-mentioned study by the Ministry of Social Affairs shows the countries of residence of Lebanese migrants belonging to the households included in the survey sample (Statistics on this matter are enclosed herewith. The countries of residence are designated by codes and the latter are explained in a table. The number of Lebanese living in each country is shown in the frequency table accompanying the statistics on Lebanese migrants).

The above-mentioned study - based, as has been said, on a sample of 65,000 households - puts the number of Lebanese migrants at 23,500.

It should be noted, however, the sample took no account of households all members of which had emigrated because their numbers and places of residence abroad were unknown.

Statistics for the granting of work permits to aliens in 1996

In 1996, Lebanon awarded 38,043 work permits to aliens. This figure includes the 274 permits awarded to company managers and permits that were renewed (The breakdown by nationality of the work permits awarded in 1996 is annexed to this letter. The number given in that annex for work permits awarded to Syrians and Palestinians concerns only workers who applied for a permit through the Ministry of Labour).

Illegal migrants

Excluding Syrians and Palestinians working without a permit, there were in 1996 approximately 15,000 illegal migrant workers from Egypt. In 1997, their status was regularized. Figures suggest, however, that further Egyptian workers have since entered Lebanon illegally, i.e., without a worker's entry visa. There are also Asians in hidden employment.

2. Measures taken to strengthen the promotion, protection and implementation of the human rights of migrants

Legislative measures

There are several laws regulating work by aliens. They include:

Decree No. 17561 of 18 September 1964 concerning arrangements for work by aliens; and

Decision No. 263/1 of 22 June 1965 concerning the documents to be submitted by aliens in order to obtain a work permit (A copy of decision No. 263, paragraph 1, is enclosed herewith).

It should be noted that, in addition to the documents mentioned in Decision No. 263/1, employers are required to present, with respect to domestic employees, an insurance policy covering sickness, accident and the transport of the corpse in the event of death. Work permits are exempt from tax when the holder's country of origin affords the same treatment to Lebanese nationals.

Legal migrant workers have the same rights as Lebanese workers (guaranteed minimum wage, annual leave, rest days, etc.). They are also entitled, if they meet the conditions laid down by law, to join a trade union of their choice. They may not, however, stand as candidates in trade-union elections, although they are entitled to select one of their number to represent them before their union's authorities.

The Social Security Act provides that:

"Employed persons resident in Lebanese territory shall be subject, whether they work for one employer or more, to all the provisions of the

Social Security Act concerning sickness insurance, motherhood, family allowances and insurance against work-related injuries and occupational diseases, allowance being made for the fact that rules in the latter respect are not yet in force and that employers are not subject to the provisions regarding termination of employment unless their employees are entitled to benefits in that regard.

Employed aliens shall enjoy all the benefits guaranteed by the Social Security Act providing they hold a work permit issued in accordance with the provisions of the relevant laws and regulations and that the States of which they are nationals afford the same social security treatment to Lebanese citizens as to their own citizens.

The list of States that grant Lebanese some or all of the social security rights enjoyed by their own citizens shall be drawn up in consultation with the Ministry of Foreign Affairs, pursuant to a decision by the Governing Board of the National Social Security Fund.

Members of the family of an insured alien who are permanently resident in Lebanese territory shall not enjoy social security benefits other than the termination-of-employment benefit.

Aliens employed in Lebanon under a contract of employment with a foreign company concluded outside Lebanon shall not enjoy the provisions of the Social Security Act if their employer proves that they enjoy, in the country where the contract was signed or in their own country, benefits generally similar to those provided for in the Social Security Act" (Social Security Act, article 9, paragraphs 3 and 4, as promulgated by enabling decree No. 13 955 of 26 September 1963).

It follows that Lebanese laws and regulations afford foreign workers the requisite legal protection and that the Ministry of Labour does all it can to facilitate the legal obtaining by aliens of work permits, providing the aliens are not recruited at the expense of Lebanese workers. Agreements for the purpose of formalizing the movement of labour between Lebanon and the countries of origin of migrant workers have been concluded with the Syrian Arab Republic, the Arab Republic of Egypt and Romania. Draft such agreements with Pakistan and Bulgaria are under study.

Regarding the question whether there have been manifestations of racism, xenophobia or other forms of discrimination against migrant workers in Lebanon or Lebanese emigrants, there is no discrimination or xenophobia against aliens working in Lebanon. Such persons' presence in Lebanon is governed by the above-mentioned Lebanese laws, with no distinction whatsoever between nationalities.

Regarding steps taken to ratify the international conventions on migrant workers, it should be noted that, in view of its sphere of competence, the Ministry of Labour concentrates its attention on the ILO Conventions.

We are currently examining the Convention concerning Migration for Employment (Revised), 1949 (No. 97) and the Convention concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment

of Migrant Workers, 1975 (No. 143) as part of our preparations for replying to the questionnaires sent to States in connection with the drafting of the report on those instruments. Our position on those two Conventions will be defined, bearing in mind the particularities of Lebanon and the economic and social situacion in the country, when that review is complete.

(Signed) Ratib SALIBA
Director-General
Ministry of Labour

Enclosures

Decree No. 17561
Decision No. 263/1
Statistics on the Lebanese population, including non-nationals
Statistics on Lebanese abroad by country of residence
Distribution by nationality of aliens holding Lebanese work permits in 1996